

Introduced by Senator Cedillo

February 16, 2006

An act to add Section 851.92 to the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 1321, as introduced, Cedillo. Criminal procedure: release from custody in jail.

Existing law generally regulates the conditions of arrest and release from custody.

This bill would state findings and declarations of the Legislature relative to "skid row" in the city of Los Angeles.

This bill would require all persons processed through the Los Angeles County Inmate Reception Center who reside in Los Angeles County to be released to the Los Angeles County sheriff's facility that is closest to the location of arrest or the person's place of residence, as specified. The bill would define the procedure of "release" for those purposes and would provide that a person without a physical residence address would be transported to the sheriff's facility nearest the point of arrest. The bill would also provide that these requirements would not apply to a person who has a physical residence beyond the boundaries of the County of Los Angeles.

By imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited as,
2 the “Community Reunification Act.”

3 SEC. 2. The Legislature finds and declares the following:

4 (a) The neighborhood of downtown Los Angeles known as
5 “skid row” encompassing a 60 square block area is in a state of
6 crisis caused by the uncontrollable amount of drug use, drug
7 trafficking, violence, and homelessness.

8 (b) The Los Angeles County Inmate Reception Center, located
9 in skid row, releases over 10,000 inmates per month into the
10 downtown area of the city of Los Angeles. Many of the released
11 inmates come from significant distances within the County of
12 Los Angeles, which encompasses a geographic area of 4,061
13 square miles. Many of those persons are in need of support
14 services from their own cities in the greater Los Angeles County.

15 (c) Many of the released inmates have little or no resources
16 available to them to enable them to return to their communities
17 because of the enormous size and distance between cities in the
18 County of Los Angeles. Therefore, many of the released inmates
19 are forced to survive on the streets in the skid row area.

20 (d) The massive number of inmates released from the
21 downtown Los Angeles sheriff’s detention facilities have
22 exacerbated the problems associated with homelessness, drug
23 abuse, and drug trafficking in the skid row area by concentrating
24 the release of inmates to this specific area. The released
25 population feeds a growing population of 9,000 to 11,000
26 homeless individuals in the skid row area, where current
27 resources available are saturated, or in many cases, fully
28 exhausted.

29 (e) The massive release of inmates from a centralized facility
30 presents unique local problems for downtown Los Angeles.

31 SEC. 3. Section 851.92 is added to the Penal Code, to read:

32 851.92. (a) All persons processed through the Los Angeles
33 County Inmate Reception Center who reside in Los Angeles

1 County shall be released to the Los Angeles County sheriff's
2 facility that is closest to the location of arrest or the person's
3 place of residence.

4 (b) For purposes of this section, "release" means the process
5 of physically transferring the person from the sheriff's facilities
6 in downtown Los Angeles, the return of inventoried personal
7 effects, transportation by the Los Angeles County sheriff's
8 department to the sheriff's substation or detention facility that is
9 closest to the point of arrest, or closest to the person's residence,
10 and physical release thereat.

11 (c) An inmate who cannot provide an address for a physical
12 residence shall be transported to and physically released at the
13 sheriff's substation or detention facility that is closest to the
14 location of the arrest.

15 (d) This section shall not apply to persons who have a physical
16 residence beyond the boundaries of the County of Los Angeles.

17 SEC. 4. If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.